



**MISSOURI ETHICS COMMISSION**

**GUIDE TO ETHICS  
LAWS  
2009**

Rev. 11/14/2008

## **ETHICS GUIDE**

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This guide is intended to provide a plain English summary of the Missouri Ethics laws, including laws affecting the activity of individuals who are or may become a candidate for elective offices at the State, County, Municipal or Special District level in Missouri.

## **MISSOURI ETHICS COMMISSION**

The Missouri Ethics Commission was created by the Missouri Ethics Law of 1991 (Section 105.955 RSMo).

The Commission is charged with enforcement of and retention of information and reports related to:

- Conflicts of interest relating to public officials and employees
- Lobbyist reporting laws
- Personal financial interest reporting laws
- Campaign Finance Disclosure laws

The Commission has six governor-appointed and senate-approved members, not more than three of the same political party. These members must be from different congressional districts. The Commission elects a chair and vice-chair biannually.

Information about the Ethics Commission and all forms can be found on the Commission's website at [www.mec.mo.gov](http://www.mec.mo.gov).

The Commission issues advisory opinions regarding any of the laws which it enforces. Advisory opinions can be found on the Commission website.

## **CAMPAIGN FINANCE REGISTRATION AND FILING**

### **Governing Statutes:** Chapter 130, RSMo

A person or persons who accept contributions or spend money for the purpose of attempting to influence the action of voters and the money spent or received exceeds certain dollar amounts may be required by law to form a committee and register under the campaign finance disclosure law. The types of committees are as follows:

- Candidate
- Continuing
- Campaign
- Debt Service
- Exploratory
- Political Party

<b>Committee Type</b>	<b>Committee Deadline Dates for Forming</b>
Candidate Committee	30 days prior to the election date
Continuing Committee	60 days prior to the election date
Campaign Committee	30 days prior to the election date
Debt Service Committee	<i>See website for more information</i>
Exploratory	<i>See website for more information</i>
Political Party	<i>See website for more information</i>

## CAMPAIGN FINANCE REGISTRATION AND FILING

### COMMITTEE REGISTRATION

Committee registration is completed by filing a Statement of Committee Organization. This should be filed with the appropriate authority within 20 days after the committee is formed and no later than the deadline for the filing of the first disclosure report. For committee requirements other than candidate committee requirements visit [www.mec.mo.gov](http://www.mec.mo.gov).

Candidate Type	Requirement	Reporting Requirement
✓ Statewide Office ✓ General Assembly ✓ Municipal Office (population greater than 100,000)	✓ If intends to make contributions or spend monies totaling no more than \$500 <b>or</b> ✓ Receive contributions from a single contributor totaling more than \$325 and the total contributions or monies spent by candidate, committees, or any other person with the candidates knowledge and consent will not exceed \$500	✓ Statement of Exemption <b>or</b> ✓ Statement of Committee Organization and subsequent campaign finance disclosure reports
✓ All other candidates	✓ Total contributions received or monies spent by the candidate or any other person with the candidates knowledge and consent does not exceed \$1,000 <b>and</b> total contributions from a single contributor does not exceed \$325	✓ No filing requirement  <i>If either the \$1,000 or \$325 threshold is exceeded, the candidate must file a Statement of Committee Organization within 20 days of exceeding the threshold to the Missouri Ethics Commission or appropriate election authority.</i>

## CAMPAIGN FINANCE COMMITTEE FILING REQUIREMENTS AND DATES

<b>2009 Election Dates</b>	Feb 3	Mar 3	Apr 7	Jun 2	Aug 4	Nov 3
Committee Organization Deadline (except continuing committees)	Jan 4	Feb 1	Mar 8	May 3	Jul 5	Oct 4
Continuing committee Organization Deadline	Dec 5	Jan 2	Feb 6	Apr 3	Jun 5	Sep 4
<b>40 Day Before Report</b>						
Closing Date (Date reported through)	Dec 20	Jan 17	Feb 21	Apr 18	n/a	n/a
Due Date	Dec 25	Jan 22	Feb 26	Apr 23	n/a	n/a
<b>8 Day Before Report</b>						
Closing Date (Date reported through)	Jan 22	Feb 19	Mar 26	May 21	Jul 23	Oct 22
Due Date	Jan 26	Feb 23	Mar 30	May 25	Jul 27	Oct 26
<b>30 Day After Report</b>						
Closing Date (Date reported through)	Feb 28	Mar 28	May 2	Jun 27	Aug 29	Nov 28
Due Date	Mar 5	Apr 2	May 7	Jul 2	Sep 3	Dec 3
<b>Quarterly Reports</b>						
Closing Date (Date reported through)	n/a	Mar 31	Jun 30	Sep 30	n/a	n/a
Due Date	n/a	Apr 15	Jul 15	Oct 15	n/a	n/a
<b>48 Hour Notice of Contributions Exceeding \$5,000</b>						
Any individual or committee, within 48 hours of receiving any contribution from any single contributor exceeding \$5,000 must electronically report the contribution to the Missouri Ethics Commission at <a href="http://www.mec.mo.gov">www.mec.mo.gov</a> .						

## CAMPAIGN FINANCE

### WHERE TO FILE CAMPAIGN FINANCE REPORTS

Type of Office Sought	Filing Entity
<ul style="list-style-type: none"> <li>√ School, fire, ambulance, or other special purpose district</li> <li>√ City municipal office with 100,000 or less population</li> <li>√ County Office in county with a population of 100,000 or less (except the County Clerk)</li> </ul>	<ul style="list-style-type: none"> <li>√ County clerk of candidate's residency <i>except</i> that in a city or county having a board of election commissioners the board shall be the election authority.</li> </ul>
<ul style="list-style-type: none"> <li>√ City municipal office with population greater than 100,000</li> <li>√ County Office in a county with a population of more than 100,000</li> <li>√ County clerk, regardless of population</li> <li>√ General Assembly</li> <li>√ Partisan Circuit Court Judge</li> <li>√ Partisan Associate Circuit Court Judge</li> </ul>	<ul style="list-style-type: none"> <li>√ Missouri Ethics Commission <i>and</i></li> <li>√ County clerk of candidate's residency <i>except</i> that in a city or county having a board of election commissioners the board shall be the election authority.</li> </ul>
<ul style="list-style-type: none"> <li>√ Statewide office</li> </ul>	<ul style="list-style-type: none"> <li>√ Missouri Ethics Commission</li> </ul>
<ul style="list-style-type: none"> <li>√ Federal Candidate</li> </ul>	<ul style="list-style-type: none"> <li>√ Federal Election Commission</li> </ul>

**Penalties:** If the report(s) are not received by the due date a \$10 per day penalty will be assessed. For the 8 Day Before Report, a \$100 per day penalty will be assessed for the first 8 days and \$10 per day thereafter.

## **CONFLICT OF INTEREST**

**Governing Statutes:** Section 105.450 through 105.467, RSMo

The general provisions of the law, as they apply to elected and appointed officials and some employees of the state and political subdivisions of the state, provides that an elected official cannot:

- Use their office for financial gain for him/herself, spouse or dependent children.
- Vote to hire any person related to the official by the fourth degree by blood or marriage. (e.g. great grandparent to first cousin)
- Perform a service for the political subdivision for pay of more than \$500 per transaction or \$5,000 per year unless the service is bid and the official, company or partnership is the lowest bidder. This also applies to the sale, rent or lease of property to the political subdivision. (if the official has more than a ten percent (10%) interest in the company or partnership.
- Vote for or against any measure if they have received or have been promised any gift or payment of any item or value
- Receive anything of value to influence the action of the political subdivision.

Investigations by the Commission are confidential. Final actions of the Commission are public. Summary of final actions are listed on our website and available under the sunshine law.

## **USE OF PUBLIC RESOURCES**

No contribution or public funds can be spent by an officer, employee, or agent of a political subdivision to advocate, support, or oppose any ballot measure or candidate for public office. This does not prohibit the public official of a political subdivision from making public appearances or issuing press releases about a ballot measure.

## **LOBBYING DEFINITION AND REQUIREMENTS**

**Governing Statutes:** Section 105.470 through 105.478, RSMO

A lobbyist is a person who attempts to influence the action of government. There are four types of lobbyists:

- Legislative lobbyist
- Executive lobbyist
- Judicial lobbyist
- Elected local government official lobbyist

A lobbyist may register to lobby any or all of these government branches. Each lobbyist must do the following:

- √ Annually register with the Missouri Ethics Commission annually
- √ Pay a \$10 annual registration fee
- √ File monthly report reporting any monies spent on elected officials, their family, or staff.

Failure to file the monthly statement results in a \$10 per day late fee. Lobbyists may terminate their status at any time. For more information, please refer to Section 105.470 RSMo.

### **REPORTED LOBBYIST EXPENSES**

Lobbyists report monies spent by the lobbyist principal and/or the lobbyist. They report monies spent on behalf of public officials, their staff and employees, spouses, and dependent children. Reported lobbyist monies spent include food, beverages, gifts, printing, publication, media, other advertising, travel, and entertainment including the time, venue, and nature of the entertainment.

## **PERSONAL FINANCIAL DISCLOSURE (PFD) WHO IS REQUIRED TO FILE**

**Governing Statutes:** Section 105.483 through 105.492, RSMo

Public officials and candidates for:

- Statewide Office and Departments
- Senator or Representative
- Judiciary
- Political subdivision candidates, officials and employees with an annual operating budget over one million dollars.
- Some Boards and Commissions

**Candidates and officials in political subdivisions** which have a conflict of interest ordinance or resolution on file are not required to file UNLESS they meet one or both of the exceptions listed below.

- √ If the individual, individual's spouse or dependent child is doing business with the political subdivision at a transaction of \$500.00 or more.
- √ If you are a candidate for a position that is required to file pursuant to the ordinance or resolution.

*If you are unsure if something should be disclosed, there is no penalty for over disclosure. This may also avoid the appearance of concealing possible conflicts of interest.*

## PERSONAL FINANCIAL DISCLOSURE (PFD) FILING DEADLINES

### CANDIDATE DEADLINES

Election Dates	Candidacy Filing Deadline	PFD Filing Deadline*	Candidate Disqualified/ Removed from Ballot
02-03-2009	11-18-2008	12-02-2008	12-09-2008
03-03-2009	12-16-2008	12-30-2008	01-06-2009
04-07-2009	01-20-2009	02-03-2009	02-10-2009
06-02-2009	03-17-2009	03-31-2009	04-07-2009
08-04-2009	05-19-2009	06-02-2009	06-09-2009
11-03-2009	08-18-2009	09-01-2009	09-08-2009

\*All PDF's must be postmarked by midnight the day prior to the deadline. A \$10.00 per day fine is imposed until PFD is filed. **Lack of filing the PFD results in Candidate disqualification and removal from the ballot by the election authority.**

### NON CANDIDATE FILING TIMEFRAMES

Type of Official	Filing Timeframe
Appointed	30 days of appointment or employment
Others	Annually no later than 1st day of May

## POLITICAL ADVERTISING DISCLOSURE REQUIREMENTS

**Governing Statutes:** Section 130.031.8, RSMo

**PRINTED MATTER:** Any sign including signs for display on motor vehicles, any advertisement including newspaper, periodical, pamphlet, circular, handbill, sample ballot or other imprinted or lettered material. *Items excluded as printed matter include items used for personal use given away or sold, campaign buttons, pencils or clothing which is paid for by a candidate or committee.*

Advertisement Type Paid For By	Advertising Requirement
Candidate without a formed committee	√ Print first and last name by which candidate is known on advertisement
Committee	√ Name of committee as registered with the election authority <i>and</i> √ Committee treasurer exact name and title who was serving at time printed advertisement was paid for
Corporation, business entity, labor organization, or other organization not a committee	√ Name of the entity <i>and</i> √ Entity's principal officer name and title <i>and</i> √ Entity mailing address
Individual(s)	√ Individual(s) name <i>and</i> √ Mailing address(es) √ <i>If</i> more than 5 individuals, may print the words, "For a list of sponsors contact:" followed by the name and address of one individual who is responsible for the printed material; that identified individual shall keep a record of the names and amounts paid by the other individuals

**RADIO AND TELEVISION ADVERTISEMENT:** Broadcast stations transmitting information about any candidate for public office or ballot measure shall identify the sponsor as required by federal law.

## **COMPLAINTS AND ENFORCEMENT**

### **Governing Statutes:** Section 105.957, RSMo

Any individual may file a complaint with the Missouri Ethics Commission if that individual believes any candidate or other individual has violated the campaign finance disclosure laws, the personal financial disclosure laws, the conflict of interest laws, the lobbying laws, or any order, ordinance or resolution dealing with the official conduct of officials.

Any complaint against a candidate alleging a violation of the conflict of interest or lobbying laws will not be accepted by the Ethics Commission from sixty days prior to the primary until after the date of the general election.

No complaint shall be accepted by the commission within fifteen days prior to the primary or general election at which such candidate is running for office.

All complaints must be in writing and must be sworn to under penalty of perjury by the complainant. A copy of the complaint will be provided to the individual it is filed against within 5 days of receipt. A copy of the complaint form may be downloaded from the Commission's website or mailed upon request

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## **STAFF CONTACTS**

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Julie A. Allen—**Executive Director**

Joseph (Joe) Carroll—**Director of Campaign Finance**

Elizabeth (Liz) Ziegler—**General Counsel**

Betty Lohmann—**Person Financial Disclosure**

Contact—(800) 392-8660, [helpdesk@mec.mo.gov](mailto:helpdesk@mec.mo.gov)

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## **COMMISSIONERS**

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Michael S. Kilgore, Chair  
Democrat, 5th Congressional District, Term expires March 15, 2010

Ken Legan, Vice Chair  
Republican, 7th Congressional District, Term expires March 15, 2010

Brad Mitchell  
Democrat, 9th Congressional District, Term expires March 15, 2010

Jim Wright  
Republican, 2nd Congressional District, Term expires March 15, 2012

James R. Tweedy  
Democrat, 8th Congressional District, Term expires March 15, 2012

Jeffrey B. Davison  
Republican, 6th Congressional District, Term expires March 15, 2012

### **Missouri Ethics Commission**

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